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12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA, ) No. 3 05 70552 *EMC*  
16 Plaintiff, ) [PROPOSED] ORDER AND  
17 v. ) STIPULATION FOR CONTINUANCE  
18 SHEILA WHITTENBERG, ) FROM MARCH 9, 2006 TO APRIL 20,  
19 Defendant. ) 2006 AND EXCLUDING TIME FROM  
20 THE SPEEDY TRIAL ACT  
21 CALCULATION (18 U.S.C. §  
22 3161(h)(8)(A)) AND WAIVING TIME  
23 LIMITS UNDER RULE 5.1

24 With the agreement of the parties, and with the consent of the defendant, the Court enters  
25 this order scheduling an arraignment or preliminary hearing date of April 20, 2006 at 9:30A.M.  
26 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary  
27 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the  
Speedy Trial Act, 18 U.S.C. § 3161(b), from March 9, 2006 to April 20, 2006. The parties agree,  
and the Court finds and holds, as follows:

- 28 1. The defendant has been released on her own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

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1 preliminary hearing.

2       4. Counsel for the defense believes that postponing the preliminary hearing is in his  
 3 client's best interest, and that it is not in his client's interest for the United States to indict the  
 4 case during the normal 20-day timeline established in Rule 5.1.

5       5. The Court finds that, taking into the account the public interest in the prompt  
 6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
 7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
 8 the Court finds that the ends of justice served by excluding the period from March 9, 2006 to  
 9 April 20, 2006, outweigh the best interest of the public and the defendant in a speedy trial. §  
 10 3161(h)(8)(A).

11       6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
 12 hearing date before the duty magistrate judge on April 20, 2006, at 9:30A.M., and (2) orders that  
 13 the period from March 9, 2006 to April 20, 2006 be excluded from the time period for  
 14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
 15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16

17 IT IS SO STIPULATED:

18

19 DATED: March 8, 2006

/s

RON TYLER  
Attorney for Defendant

21

22 DATED: March 8, 2006

/s

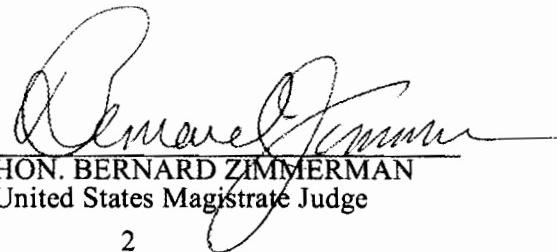
ROBERT DAVID REES  
Assistant United States Attorney

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25 IT IS SO ORDERED.

26

27 DATED: 9 March 06



HON. BERNARD ZIMMERMAN  
United States Magistrate Judge